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May 1, 2013

BY CERTIFIED MAIL

Curt Spalding, Regional Administrator
EPA New England, Region 1
5 Post Office Square – Suite 100
Boston, MA 02109-3912

Eric Holder, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

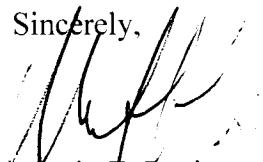
Bob Perciasepe, Acting Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Re: Clean Water Action Complaint against Connecticut Valley Block Co.

Dear Sirs:

In accordance with Section 505(c)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1365 (c)(3), and 40 CFR 135.4, we are enclosing a conformed copy of a complaint filed by this office on behalf of Clean Water Action against Connecticut Valley Block Co. (a Massachusetts corporation) on April 12, 2013.

Sincerely,


Martin E. Levin

Enclosure

cc: Kenneth Kimmel, Commissioner
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

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Filed Electronically 4/12/2013

Attorneys for Plaintiff
CLEAN WATER ACTION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CLEAN WATER ACTION,

Plaintiff,

v.

CONNECTICUT VALLEY BLOCK
CO.,

Defendant.

Case No.

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND CIVIL PENALTIES**

(Clean Water Act,
33 U.S.C. §§ 1251 to 1387)

CLEAN WATER ACTION ("CWA") by and through its counsel, hereby alleges:

INTRODUCTION

1. This is a civil suit brought under the citizen suit enforcement provisions of the Clean Water Act, 33 U.S.C. § 1251, et seq. (the "Clean Water Act" or "the Act"). Plaintiff seeks declaratory judgment, injunctive relief, and other relief the Court deems appropriate with regard to actions taken by Connecticut Valley Block Co. ("Defendant" or "CVB") which resulted in the discharge of stormwater runoff from the CVB facility at or around 55 Circuit Avenue in West Springfield, Massachusetts, into waters of the United States, in violation of the Act.
2. Activities that take place at industrial facilities, such as material handling and storage, are often exposed to the weather. As runoff from rain or snow melt comes into contact with these materials, it picks up pollutants and transports them to nearby storm sewer systems, rivers, lakes,

or coastal waters. Stormwater pollution is a significant source of water quality problems for the nation's waters. The Massachusetts Department of Environmental Protection has determined that stormwater runoff represents the single largest source responsible for water quality impairments in the Commonwealth's rivers, lakes, ponds, and marine waters.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over the parties and the subject matter of this action pursuant to Section 505(a)(1)(A) of the Act, 33 U.S.C. § 1365(a)(1)(A), and 28 U.S.C. § 1331 (an action arising under the laws of the United States).

4. On February 7, 2013, Plaintiff provided notice of Defendant's violations of the Act, and of its intention to file suit against Defendant (the "Notice Letter"), to the Administrator of the United States Environmental Protection Agency ("EPA"); the Administrator of EPA Region 1; the Commissioner of the Massachusetts Department of Environmental Protection ("DEP"); and to Defendant, as required by the Act, 33 U.S.C. § 1365(b)(1)(A).

5. More than sixty days have passed since notice was served on Defendant and the state and Federal agencies. Plaintiff is informed and believes, and thereupon alleges, that neither the EPA nor the Commonwealth of Massachusetts has commenced or is diligently prosecuting a court action to redress the violations alleged in this complaint. This action is not barred by any prior administrative penalty under Section 309(g) of the Act, 33 U.S.C. § 1319(g).

6. Venue is proper in the District Court of Massachusetts pursuant to Section 505(c)(1) of the Act, 33 U.S.C. § 1365(c)(1), because the source of the violations is located within this judicial district. Plaintiff selects venue in the Springfield Division pursuant to Local Rule 40.1(D)(2) because the alleged violations occurred in that division and the defendant is located in that division.

PARTIES

7. Plaintiff CLEAN WATER ACTION (“CWA”) is a nationwide non-profit public benefit corporation organized under the laws of the District of Columbia, with its principal office located in Boston, Massachusetts. CWA has approximately 50,000 members who live, recreate and work in and around waters of the Commonwealth of Massachusetts, including the Westfield River. CWA is dedicated to working for clean, safe and affordable water, protection of natural resources, the prevention of health-threatening pollution, the creation of environmentally safe jobs and businesses, and the empowerment of people to make democracy work. To further these goals, CWA actively seeks Federal and state agency implementation of the Act and other laws and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

8. Members of CWA have a recreational, aesthetic and/or environmental interest in the Westfield River. One or more of such members who reside in the West Springfield area use and enjoy the Westfield River for recreation, sightseeing, wildlife observation and/or other activities in the vicinity of and downstream of Defendant’s discharges. These members use and enjoy the waters into which Defendant has caused, is causing, and will continue to cause, pollutants to be discharged. The interests of CWA’s members have been, are being, and will continue to be adversely affected by Defendant’s failure to comply with the Clean Water Act, as alleged herein. The relief sought herein will redress the harms to Plaintiff caused by Defendant’s activities.

9. Continuing commission of the acts and omissions alleged herein will irreparably harm Plaintiff and the citizens of the Commonwealth of Massachusetts, for which harm they have no plain, speedy, or adequate remedy at law.

10. Defendant CVB is a corporation organized under the laws of the Commonwealth of Massachusetts that operates a concrete block and brick manufacturing facility in West Springfield.

STATUTORY BACKGROUND

11. Pollutant Discharges without a Permit are Illegal. The Clean Water Act makes the discharge of pollution into waters of the United States unlawful unless the discharge is in compliance with certain statutory requirements, including the requirement that the discharge be

permitted by the Federal Environmental Protection Agency (“EPA”) under the National Pollutant Discharge Elimination System (“NPDES”). Sections 301(a), 402(a) and 402(p) of the Act. 33 U.S.C. §§ 1311(a), 1342(a), 1342(p).

12. EPA Has Made Stormwater Discharges from concrete block and brick manufacturing facilities subject to the requirements of EPA’s General Industrial Stormwater Permit. In order to minimize polluted stormwater discharges from industrial facilities, the Federal Environmental Protection Agency has issued a general industrial stormwater permit (“Stormwater Permit”). EPA’s Stormwater Permit was first issued in 1995, and was reissued in 2000 and 2008. See 60 Fed. Reg. 50804 (Sept. 29, 1995); 65 Fed. Reg. 64746 (Oct. 30, 2000); 73 Fed. Reg. 56572 (Sept. 29, 2008). Concrete block and brick manufacturing facilities are subject to the requirements of this Stormwater Permit. Stormwater Permit, pg. 56-57 & Appendix D.

13. Concrete Block and Brick Manufacturing Facilities Must Comply with the Monitoring and Reporting Requirements of the Stormwater Permit. The Stormwater Permit requires these facilities to, among other things:

- a. ensure that stormwater discharges do not cause or have the reasonable potential to cause or contribute to a violation of water quality standards, Stormwater Permit, pg. 16;
- b. conduct monitoring of stormwater discharges at all Facility outfalls in each of the first four full quarters of permit coverage for compliance with benchmark limitations applicable specifically to concrete block and brick manufacturing facilities, Stormwater Permit, pp. 36, 56-57;
- c. report all monitoring results for all Facility outfalls to EPA by specified deadlines, Stormwater Permit, pg. 41;
- d. conduct corrective action after the average of 4 quarterly samples exceeds the EPA benchmark value, Stormwater Permit, pp. 18, 36;
- e. conduct routine facility inspections at least quarterly, quarterly visual assessments, and annual comprehensive inspections to, among other things, sample and assess the water quality of the facility’s stormwater discharges, ensure that stormwater control measures

required by the Permit are functioning correctly and are adequate to minimize pollutant discharge, and timely perform corrective actions when they are not, Stormwater Permit, pp. 18-25;

f. timely prepare and submit to EPA annual reports that include findings from the annual comprehensive site inspections and documentation of corrective actions, Stormwater Permit, pp. 24, 41; and

g. comply with any additional state requirements, *see* Stormwater Permit, pp. 140-141.

14. Citizens may bring an action to enforce these requirements. Section 505(a)(1) and Section 505(f) of the Act provide for citizen enforcement actions against any “person,” including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for unpermitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), § 1362(5). An action for injunctive relief under the Act is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$37,500 per day, pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365 and 40 C.F.R. §§ 19.1 - 19.4.

STATEMENT OF FACTS

15. Defendant owns and operates a facility at 55 Circuit Avenue, West Springfield, Massachusetts (the “Facility”). Operations at the Facility include concrete block and brick manufacturing (standard industrial classification 3271). On or about January 8, 2009, Defendant certified to EPA that storm water from the Facility is discharged to the Municipal Separate Storm Sewer System of the City of West Springfield (“MS4”), and that the MS4 is tributary to the Westfield River.

16. Numerous activities at the Facility take place outside and are exposed to rainfall. These activities include, without limitation, the storage of raw materials and finished concrete blocks; loading of blocks onto trucks; and unloading of raw materials.

17. Industrial machinery and heavy equipment, including trucks and fork lifts, are operated, maintained, or stored at the Facility in areas exposed to storm water flows. Plaintiff is informed

and believes, and thereupon alleges, that the operation, maintenance, and/or storage of such machinery and equipment results in spilling and leaking of contaminants such as oil, grease, diesel fuel, anti-freeze and hydraulic fluids, which contaminants are exposed to storm water flows.

18. During every rain event, rainwater flowing over exposed concrete, dust, debris, sediment, waste materials and other accumulated pollutants at the Site becomes contaminated with pollutants.

19. Plaintiff is informed and believes, and thereupon alleges, that rainwater and snow melt (collectively referred to hereinafter as “stormwater”) flowing over the Facility collects suspended solids, iron, dust (including but not limited to concrete dust), debris, oil, grease, and other pollutants.

20. The polluted stormwater from the Facility discharges to the MS4 and the Westfield River. On information and belief, control measures taken at the Facility are inadequate to prevent such discharges from exceeding the Permit’s benchmark standards for iron and/or suspended solids..

21. The Permit places benchmark standards on various pollutants as to which the Facility’s management practices are inadequate. Those standards include: 1 mg/l for Total Iron; and 100 mg/l for Total Suspended Solids (“TSS”).

22. Total Suspended Solids: Suspended solids in high concentrations block sunlight from reaching vegetation submerged in water bodies, and can cause many problems for water quality and aquatic life, including decreased dissolved oxygen, habitat alteration, and increased pathogens. These problems are exacerbated by the presence of oil and grease, which can float on the water’s surface and block sunlight needed by underwater fish and plants. The combination of oil and grease and particulates can also damage stream habitat and sensitive spawning areas when they cling to sand and gravel particles that settle to the bottom of streambeds.

23. Iron: Dissolved iron is bioavailable and can be toxic to fish and other aquatic life. Iron in the form of solid particulate can settle on the bottom of water bodies and destroy bottom-dwelling invertebrates, plants, or incubating fish eggs. Iron can also cause aesthetically objectionable conditions in water bodies by making the water appear rust colored.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Failure to Comply with the Monitoring Requirements of the Stormwater Permit: Violations of 33 U.S.C. § 1311(a)

24. Plaintiff re-alleges and incorporates Paragraphs 1-23, inclusive, as if fully set forth herein.
25. Defendant has failed to comply with the Stormwater Permit's requirement for monitoring of discharges to the Westfield River. Defendant failed to conduct monitoring of the stormwater discharges from the Facility for compliance with the benchmark limitations in three of the first four full quarters beginning with the quarter following their Permit coverage in 2009. At least fifteen quarters have now passed, and Defendant has failed to conduct the required benchmark monitoring in any four consecutive quarters. [Stormwater Permit, pp. 35-36, section 6.2.1.]
26. These violations, which are set forth on Exhibit A hereto, establish an ongoing pattern of failure to comply with the Permit's monitoring requirements.
27. Each of Defendant's violations of the monitoring requirements of the Stormwater Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), for each day on which the failure to monitor occurred and/or continued. Alternatively, each of these violations is a separate and distinct violation for each day on which stormwater was discharged from the facility and on which the violation occurred and/or continued. To the extent it is determined that rain dates are relevant in determining the dates of violations, such dates through March 31, 2013 are set forth on Exhibit B.

SECOND CAUSE OF ACTION

Failure to Conduct Annual Site Inspections: Violations of 33 U.S.C. § 1311(a)

28. Plaintiff re-alleges and incorporates Paragraphs 1-27, inclusive, as if fully set forth herein.
29. Defendant has failed to comply with the Stormwater Permit's requirement to conduct annual comprehensive site inspections. Defendant was required to conduct an annual site inspection each year by September 29 in the years 2009, 2010, 2011, and 2012. [Stormwater

Permit, section 4.3.1]. In performing such inspections, Defendant was required to take into account quarterly monitoring data it had failed to collect. Defendant was further required to maintain onsite documentation of the results of each annual inspection. [Stormwater Permit, section 4.3.2].

30. These violations, which are set forth on Exhibit A, establish an ongoing pattern of failure to comply with the Permit's inspection requirements.

31. Each of Defendant's violations of the annual inspection requirements of the Stormwater Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), for each day on which the violation occurred and/or continued. Alternatively, each of these violations is a separate and distinct violation for each day on which stormwater was discharged from the facility and on which the failure to timely report occurred and/or continued. To the extent it is determined that rain dates are relevant in determining the dates of violations, such dates through March 31, 2013 are set forth on Exhibit B.

THIRD CAUSE OF ACTION

Failure to Comply with the Reporting Requirements of the Stormwater Permit: Violations of 33 U.S.C. § 1311(a)

32. Plaintiff re-alleges and incorporates Paragraphs 1-31, inclusive, as if fully set forth herein.

33. Defendant has failed to comply with the Stormwater Permit's requirement for reporting benchmark monitoring results, findings from annual comprehensive site inspections and documentation of corrective actions to EPA. Defendant has failed to report to EPA results of benchmark monitoring it has conducted, if any, within 30 days of receipt of monitoring results, as required by the Permit. [Stormwater Permit, section 7.1]. Defendant did not submit to EPA an annual report for 2009, 2010, 2011, or 2012, as required by the Permit. [Stormwater Permit, sections 4.3.1, 4.3.2, 7.2]. Defendant's violations of the Permit's reporting requirements are separate and distinct from violations of the Permit's monitoring requirements.

34. These violations, which are set forth on Exhibit A, establish an ongoing and continuing pattern of failure to comply with the Permit's reporting requirements.

35. Each of Defendant's violations of the benchmark monitoring reporting and annual inspection reporting requirements of the Stormwater Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), for each day on which the failure to report occurred and/or continued. Alternatively, each of these violations is a separate and distinct violation for each day on which stormwater was discharged from the facility and on which the violation occurred and/or continued. To the extent it is determined that rain dates are relevant in determining the dates of violations, such dates through March 31, 2013 are set forth on Exhibit B.

FOURTH CAUSE OF ACTION

Failure to Reduce and/or Eliminate Pollutants to the Extent Achievable: Violations of 33 U.S.C. § 1311(a)

36. Plaintiff re-alleges and incorporates Paragraphs 1-35, inclusive, as if fully set forth herein.

37. Defendant has failed to comply with the Stormwater Permit's requirement to reduce and/or eliminate pollutants in its stormwater discharges to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. [Stormwater Permit, section 2.1].

38. Each of Defendant's violations of the reduction and/or elimination requirements of the Stormwater Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), for each day on which the violation occurred and/or continued. Alternatively, each of these violations is a separate and distinct violation for each day on which stormwater was discharged from the facility and on which the failure to reduce and/or eliminate pollutants occurred and/or continued. To the extent it is determined that rain dates are relevant in determining the dates of violations, such dates through March 31, 2013 are set forth on Exhibit B.

RELIEF REQUESTED

Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

1. Declare Defendant to have violated and to be in violation of the Act as alleged herein;
2. Enjoin Defendant from discharging pollutants from the Facility and to the surface waters surrounding and downstream from the Facility;
3. Require Defendant to implement the requirements of the Stormwater Permit;
4. Order Defendant to pay civil penalties of up to \$37,500 per day of violation, pursuant to Sections 309(d) and 505(a) of the Act, 33 U.S.C. §§ 1319(d), 1365(a) and 74 Fed. Reg. 626, 627 (2009);
5. Order Defendant to take appropriate actions to restore the quality of navigable waters impaired by their activities;
6. Award Plaintiff's costs (including reasonable investigative, attorney, witness, and consultant fees) as authorized by the Act, 33 U.S.C. § 1365(d); and
7. Award any such other and further relief as this Court may deem appropriate.

Dated: 4/12/2013

Respectfully submitted,

/s/Martin E. Levin

MARTIN E. LEVIN (Bar No. 296150)
Stern, Shapiro, Weissberg & Garin, LLP
90 Canal Street, 5th Fl.
Boston, MA 02114
Phone: 617-742-5800
Fax: 617-742-5858

Attorneys for Plaintiff
CLEAN WATER ACTION

CLEAN WATER ACTION'S CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and Massachusetts District Court Local Rule 7.3, Plaintiff Clean Water Action states that it does not have a parent corporation and no publicly held company owns 10% or more of its stock.

EXHIBIT B
CONNECTICUT VALLEY BLOCK CO. PERMIT VIOLATIONS

Sector	Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
E2	1	Failure to Monitor Benchmark	Total Iron	June 30, 2009	The present
E2	1	Failure to Report Benchmark	Total Iron	July 30, 2009	The present
E2	1	Failure to Monitor Benchmark	Total Suspended Solids	June 30, 2009	The present
E2	1	Failure to Report Benchmark	Total Suspended Solids	July 30, 2009	The present
E2	2	Failure to Monitor Benchmark	Total Iron	September 30, 2009	The present
E2	2	Failure to Report Benchmark	Total Iron	October 30, 2009	The present
E2	2	Failure to Monitor Benchmark	Total Suspended Solids	September 30, 2009	The present
E2	2	Failure to Report Benchmark	Total Suspended Solids	October 30, 2009	The present
E2	3	Failure to Monitor Benchmark	Total Iron	December 31, 2009	The present
E2	3	Failure to Report Benchmark	Total Iron	January 30, 2010	The present
E2	3	Failure to Monitor Benchmark	Total Suspended Solids	December 31, 2009	The present
E2	3	Failure to Report Benchmark	Total Suspended Solids	January 30, 2010	The present
E2	5	Failure to Monitor Benchmark	Total Iron	June 30, 2010	The present
E2	5	Failure to Report Benchmark	Total Iron	July 30, 2010	The present
E2	5	Failure to Monitor Benchmark	Total Suspended Solids	June 30, 2010	The present
E2	5	Failure to Report Benchmark	Total Suspended Solids	July 30, 2010	The present
E2	6	Failure to Monitor Benchmark	Total Iron	September 30, 2010	The present
E2	6	Failure to Report Benchmark	Total Iron	October 30, 2010	The present
E2	6	Failure to Monitor Benchmark	Total Suspended Solids	September 30, 2010	The present
E2	6	Failure to Report Benchmark	Total Suspended Solids	October 30, 2010	The present
E2	7	Failure to Monitor Benchmark	Total Iron	December 31, 2010	The present
E2	7	Failure to Report Benchmark	Total Iron	January 30, 2011	The present
E2	7	Failure to Monitor Benchmark	Total Suspended Solids	December 31, 2010	The present
E2	7	Failure to Report Benchmark	Total Suspended Solids	January 30, 2011	The present
E2	8	Failure to Monitor Benchmark	Total Iron	March 31, 2011	The present
E2	8	Failure to Report Benchmark	Total Iron	April 30, 2011	The present
E2	8	Failure to Monitor Benchmark	Total Suspended Solids	March 31, 2011	The present

Sector	Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
E2	8	Failure to Report Benchmark	Total Suspended Solids	April 30, 2011	The present
E2	9	Failure to Monitor Benchmark	Total Iron	June 30, 2011	The present
E2	9	Failure to Report Benchmark	Total Iron	July 30, 2011	The present
E2	9	Failure to Monitor Benchmark	Total Suspended Solids	June 30, 2011	The present
E2	9	Failure to Report Benchmark	Total Suspended Solids	July 30, 2011	The present
E2	10	Failure to Monitor Benchmark	Total Iron	September 30, 2011	The present
E2	10	Failure to Report Benchmark	Total Iron	October 30, 2011	The present
E2	10	Failure to Monitor Benchmark	Total Suspended Solids	September 30, 2011	The present
E2	10	Failure to Report Benchmark	Total Suspended Solids	October 30, 2011	The present
E2	11	Failure to Monitor Benchmark	Total Iron	December 31, 2011	The present
E2	11	Failure to Report Benchmark	Total Iron	January 30, 2012	The present
E2	11	Failure to Monitor Benchmark	Total Suspended Solids	December 31, 2011	The present
E2	11	Failure to Report Benchmark	Total Suspended Solids	January 30, 2012	The present
E2	12	Failure to Monitor Benchmark	Total Iron	March 31, 2012	The present
E2	12	Failure to Report Benchmark	Total Iron	April 30, 2012	The present
E2	12	Failure to Monitor Benchmark	Total Suspended Solids	March 31, 2012	The present
E2	12	Failure to Report Benchmark	Total Suspended Solids	April 30, 2012	The present
E2	13	Failure to Monitor Benchmark	Total Iron	June 30, 2012	The present
E2	13	Failure to Report Benchmark	Total Iron	July 30, 2012	The present
E2	13	Failure to Monitor Benchmark	Total Suspended Solids	June 30, 2012	The present
E2	13	Failure to Report Benchmark	Total Suspended Solids	July 30, 2012	The present
E2	14	Failure to Monitor Benchmark	Total Iron	September 30, 2012	The present
E2	14	Failure to Report Benchmark	Total Iron	October 30, 2012	The present
E2	14	Failure to Monitor Benchmark	Total Suspended Solids	September 30, 2012	The present
E2	14	Failure to Report Benchmark	Total Suspended Solids	October 30, 2012	The present
E2	15	Failure to Monitor Benchmark	Total Iron	December 31, 2012	The present
E2	15	Failure to Report Benchmark	Total Iron	January 30, 2013	The present
E2	15	Failure to Monitor Benchmark	Total Suspended Solids	December 31, 2012	The present
E2	15	Failure to Report Benchmark	Total Suspended Solids	January 30, 2013	The present
E2	Permit Year 1	Failure to Conduct and Document Required Inspections		September 29, 2009	The present

Sector	Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
E2	Permit Year 1	Failure to Submit Annual Report		November 13, 2009	The present
E2	Permit Year 2	Failure to Conduct and Document Required Inspections		September 29, 2010	The present
E2	Permit Year 2	Failure to Submit Annual Report		November 13, 2010	The present
E2	Permit Year 3	Failure to Conduct and Document Required Inspections		September 29, 2011	The present
E2	Permit Year 3	Failure to Submit Annual Report		November 13, 2011	The present
E2	Permit Year 4	Failure to Conduct and Document Required Inspections		September 29, 2012	The present
E2	Permit Year 4	Failure to Submit Annual Report		November 13, 2012	The present
E2		Failure to Ensure That Control Measures Minimize Pollutant Discharges		June 30, 2009	The present

EXHIBIT B

**DAYS BETWEEN
APRIL 1, 2009 AND MARCH 31, 2013
ON WHICH STORMWATER FROM FACILITY
DISCHARGED TO WATERS OF THE UNITED STATES**

April 2009:	1, 3, 6, 10, 11, 20, 21, 22
May 2009:	5, 6, 7, 9, 14, 16, 17, 27, 29
June 2009:	9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 24, 27, 30
July 2009:	2, 7, 11, 16, 17, 18, 21, 22, 23, 24, 25, 26, 29, 30, 31
August 2009:	1, 13, 21, 22, 23, 24, 28, 29, 30
September 2009:	11, 27, 28, 29
October 2009:	3, 7, 9, 10, 13, 18, 23, 24, 28, 31
November 2009:	5, 6, 14, 20, 23, 27
December 2009:	2, 3, 5, 9, 13, 26, 27
January 2010:	17, 18, 19, 25
February 2010:	23, 24, 25, 26
March 2010:	13, 14, 15, 22, 23, 26, 28, 29, 30, 31
April 2010:	9, 16, 26
May 2010:	8, 12, 14, 18, 26, 29
June 2010:	1, 2, 4, 5, 6, 9, 10, 12, 24
July 2010:	10, 11, 23, 24, 29
August 2010:	5, 9, 10, 15, 16, 22
September 2010:	16, 27, 28, 30
October 2010:	1, 6, 14, 15, 27, 28
November 2010:	4, 5, 8, 16, 17, 26
December 2010:	1, 12
January 2011:	12, 13, 18, 21
February 2011:	1, 2, 3, 5, 8, 25, 27, 28
March 2011:	6, 7, 10, 11, 16, 21
April 2011:	1, 4, 5, 12, 13, 16, 17, 19, 23, 27, 28
May 2011:	4, 14, 15, 16, 17, 18, 19, 20, 24, 30
June 2011:	2, 9, 10, 11, 12, 16, 17, 18, 23, 24, 25, 26, 29
July 2011:	3, 4, 7, 8, 25, 26, 27
August 2011:	6, 7, 10, 14, 15, 16, 21, 26, 27, 28
September 2011:	6, 7, 8, 22, 24, 29, 30
October 2011:	1, 4, 5, 12, 13, 14, 19, 20, 27, 28, 30
November 2011:	17, 23, 29, 30
December 2011:	8, 21, 22, 23, 27, 31
January 2012:	1, 12, 13, 19, 23, 27, 28
February 2012:	16, 24, 29
March 2012:	1, 2, 3, 13, 28, 29
April 2012:	2, 22, 23

May 2012:	3, 9, 10, 14, 15, 16, 21, 22, 23, 29, 30
June 2012:	2, 3, 4, 6, 12, 13, 14, 23, 25, 26
July 2012:	24, 29, 30
August 2012:	6, 11, 12, 15, 16, 28, 29
September 2012:	5, 6, 9, 19, 23, 28
October 2012:	3, 5, 14, 16, 19
November 2012:	13, 14
December 2012:	21, 22, 30
January 2013:	12, 17, 29, 30, 31
February 2013:	8, 9, 11, 19, 27
March 2013:	12, 18, 19, 31